

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

NEDAL MORAD and ASHRAF MUSLEH	:	CIVIL ACTION
	:	
Plaintiffs	:	
	:	
v.	:	NO.
	:	
MICHAEL MAXWELL and OLD DOMINION	:	
FREIGHT	:	
LINE, INC. And OLD DOMINION FREIGHT	:	
	:	JURY TRIAL DEMANDED
Defendants		

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**NOTICE OF REMOVAL**

Defendant Old Dominion Freight Line, Inc. and Old Dominion Freight, by their undersigned counsel, hereby petitions this Court as follows, pursuant to 28 U.S.C. § 1332 et seq.:

1. Old Dominion Freight Line, Inc. and Old Dominion Freight (“Old Dominion”) are defendants in an action pending in the Pennsylvania Court of Common Pleas for Cumberland County, No. 13-5135 (“the State Court Action”). Old Dominion received a copy of the Complaint. A true and correct copy of the Complaint in the State Court Action is attached hereto as Exhibit “A”.

2. Plaintiffs in the State Court Action are Nedal Morad and Ashraf Musleh. Plaintiffs are alleged to be a citizens and residents of Pennsylvania, residing at 3502 Beech Run Lane, Mechanicsburg, Pennsylvania 17050. See Exhibit “A”.

3. Old Dominion is alleged to be a citizen and resident of North Carolina, with a principal place of business at 500 Old Dominion Way, Thomasville, North Carolina 27360.

4. Defendant Michael Maxwell is alleged to be a citizen and resident of Texas, residing at 4200 Larry Don Lane, Waco, Texas 76708.

5. The State Court Action is between citizens of different states.

6. Pursuant to 28 U.S.C. § 1332(a)(1), “[t]he district court shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between (1) citizens of different states.”

7. Plaintiffs served the Complaint upon Old Dominion on December 2, 2013. Plaintiffs have not yet served the Complaint upon defendant Michael Maxwell.

8. Plaintiffs’ State Court Action alleges that the amount in controversy is in excess of \$50,000. See Exhibit “A”. Due to the allegations by plaintiffs in the Complaint, it is believed and therefore averred that plaintiffs are seeking to recover in excess of \$75,000 in this matter. See Exhibit “A”.

9. Thus, under 28 U.S.C. § 1446(b), the Complaint was served December 2, 2013, and under 28 U.S.C. § 1446(b), Old Dominion may remove this action up to thirty days after service.

10. Therefore, this Court may properly remove the State Court Action based on diversity jurisdiction.

11. 28 U.S.C. § 1441 provides for removal of state court actions where none of the defendants are citizens of the state in which the action is brought. Accordingly, because Old Dominion and defendant Michael Maxwell are not residents of the Commonwealth of Pennsylvania, the State Court Action may be removed to this Court.

12. This Notice has been filed with the Court within thirty (30) days after purported service of the Complaint on Old Dominion.

WHEREFORE, Old Dominion prays that the State Court Action be removed from the Pennsylvania Court of Common Pleas for Cumberland County to this Court for proper and just determination.

Respectfully submitted,

**FINEMAN KREKSTEIN & HARRIS, P.C.**

BY:

  
**JAY BARRY HARRIS**

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December 17, 2013

Attorney for Defendants Old Dominion Freight  
Line, Inc. and Old Dominion Freight

### **CERTIFICATE OF SERVICE**

I, **JAY BARRY HARRIS, ESQUIRE**, hereby certify that a true and correct copy of the foregoing Notice of Removal was served this day, by first-class mail, upon the following individual:

Matthew L. Owens, Esquire  
2595 Interstate Drive, Suite 101  
Harrisburg, PA 17110

December 17, 2013

  
**JAY BARRY HARRIS**